R. James George, Jr.
Texas Bar No. 07810000
Douglas Brothers
Texas Bar No. 03084500
GEORGE & BROTHERS, L.L.P.
1100 Norwood Tower
114 W. 7th Street
Austin, Texas 78701
Telephone: (512) 495-1400
Facsimile: (512) 499-0094
rjgeorge@georgeandbrothers.com
INTERIM CLASS COUNSEL
FOR CINGULAR SUBSCRIBER CLASS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re: NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	MDL Dkt. No. 06-1791-VRW **STIPULATION REGARDING FIRST AMENDED MASTER COMPLAINT AGAINST CINGULAR**
This Document Relates To: 06-5452-VRW 06-6222-VRW 06-6224-VRW 06-6253-VRW 06-6254-VRW 06-6570-VRW 07-0464-VRW 07-2538-VRW	[Civil L.R. 6-2, 7-1(5), 7-12] Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

RECITALS

A. On November 17, 2006, this Court held a MDL Case Management Conference where, *inter alia*, it was ordered that Plaintiffs would file master consolidated complaints against various defendant groups including against the Cingular Entities.

B. On January 16, 2007, the Plaintiffs filed consolidated complaints against the Cingular Entities.

Google Inc. et al v. Egger et al Doc. 454
Dockets.Justia.com

C. In furtherance of judicial economy, the plaintiffs' counsel for the subscribers to the Cingular Wireless LLC (now known as AT&T Mobility LLC), New Cingular Wireless Services, Inc., and Cingular Wireless Corporation (now known as AT&T Mobility Corporation) (collectively, the "Cingular Entities"), and the Cingular Entities stipulated to stay all proceedings against the Cingular Entities pending the final adjudication of all appeals of the *Hepting* Ruling, including disposition of any petition for certiorari to the United States Supreme Court, without any prejudice to the rights of any party. This Court granted the stay on February 22, 2007.

D. Plaintiffs' counsel for the subscribers to the Cingular Entities wishes to file a First Amended Consolidated Master Complaint against the Cingular Entities purely for the administrative purposes of dismissing one of the class representatives who no longer wishes to be a class representative, and explicitly incorporating claims brought in *Jacobs et al. v. AT&T Corp. et al.*, (MDL Case No. 07-2538). *Jacobs* was transferred to this Court subsequent to the filing of the consolidated complaint and this Court's issuance of a stay. Counsel for the Cingular Entities does not object to the filing of this amended complaint.

STIPULATION

The plaintiffs' counsel for the subscribers to the Cingular Entities and the Cingular Entities hereby stipulate as follows:

1. Should it please the Court, the stay ordered by the Court be temporarily lifted for the sole purpose of the filing of the First Amended Consolidated Master Complaint against the Cingular Entities in order to dismiss Brian Bradley as a class representative and, for the sake of efficiency and judicial administration, to incorporate claims against Cingular Entities brought in *Jacobs et al. v. AT&T Corp. et al.*, (MDL Case No. 07-2538).

2. Notwithstanding the filing of a First Amended Consolidated Master Complaint against the Cingular Entities, the stipulated stay granted on February 22, 2007 will otherwise remain in effect.

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, R. JAMES GEORGE, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on July 3, 2008, at Austin, Texas.

/s/ R. James George, Jr.

Dated: July 3, 2008.

GEORGE & BROTHERS
R. JAMES GEORGE, JR.
D. DOUGLAS BROTHERS
1100 Norwood Tower
114 W. 7th Street
Austin, TX 78701
Tel: (592) 495-1400
Fax: (592) 499-0094

By *\/s/ R. James George, Jr.*
R. James George Jr.
Interim Class Counsel for the Cingular Subscriber Class

PILLSBURY WINTHROP SHAW PITTMAN LLP
BRUCE A. ERICSON

JACOB R. SORENSEN
MARC H. AXELBAUM
DANIEL J. RICHERT
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880

SIDLEY AUSTIN LLP
DAVID W. CARPENTER
DAVID L. LAWSON
BRADFORD A. BERENSON
EDWARD R. McNICHOLAS
1501 K Street, N.W.
Washington, D.C. 20005

By *____________/s/ Bruce A. Ericson per G.O. 45_____*
Bruce A. Ericson
Attorneys for the Cingular Defendants

[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, the Court orders the following:

1. The stay ordered by this Court on February 22, 2007 be temporarily lifted for the sole purpose of the filing of the First Amended Consolidated Master Complaint against the Cingular Entities in order to dismiss Brian Bradley as a class representative and, for the sake of efficiency and judicial administration, to incorporate claims against Cingular Entities brought in *Jacobs et al. v. AT&T Corp. et al.*, (MDL Case No. 07-2538).

2. Notwithstanding the filing of a First Amended Consolidated Master Complaint against the Cingular Entities, the stay entered into on February 22, 2007 will remain in effect for all other purposes.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July ___, 2008.

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Hon. Vaughn R. Walker
United States District Chief Judge